

03-12-07

Express Mail Label No.: EV 978771939 US  
Date of Deposit: March 8, 2007

Attorney Docket No.: 20712-501 CON



1449  
S

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Edgar et al.  
SERIAL NUMBER : 10/728,340 EXAMINER : Celia C. Chang  
FILING DATE : December 4, 2003 ART UNIT : 1625  
FOR : CNS TARGET MODULATORS

### Mail Stop Amendment

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### TRANSMITTAL LETTER

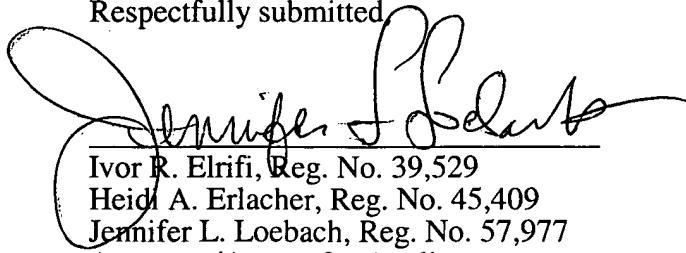
Transmitted herewith for filing in the present application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (1 page), in duplicate;
3. Copy of Cited Reference: C12;
4. Check in the amount of \$180.00 (#23918); and
5. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 20712-501 CON. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted



Jennifer L. Loebach

Ivor R. Elrifi, Reg. No. 39,529  
Heidi A. Erlacher, Reg. No. 45,409  
Jennifer L. Loebach, Reg. No. 57,977

Attorneys/Agents for Applicants  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.

Address all written correspondence to  
**Customer no.: 30623**

Tel: (617) 542-6000  
Fax: (617) 542-2241

Date: March 8, 2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Edgar et al.  
SERIAL NUMBER : 10/728,340 EXAMINER : Celia C. Chang  
FILING DATE : December 4, 2003 ART UNIT : 1625  
FOR : CNS TARGET MODULATORS

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Supplemental Information Disclosure Statement is being filed after the mailing date of the Final Action, but before the mailing date of Notice of Allowance under 37 C.F.R. §1.311. The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed. No item of information in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge, after making reasonable inquiry, no item of information contained in this Supplemental Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Patents A16-A18 are not submitted.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

03/13/2007 WASFAW1 00000030 10728340

01 FC:1806

180.00 DP

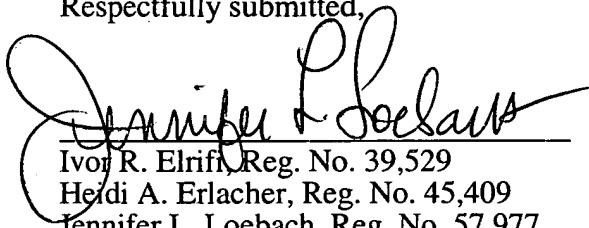
APPLICANTS: Edgar et al.  
U.S.S.N.: 10/728,340

By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 20712-501 CON.

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529  
Heidi A. Erlacher, Reg. No. 45,409

Jennifer L. Loebach, Reg. No. 57,977  
Attorneys/Agents for Applicants  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.

Address all written correspondence to

**Customer no.: 30623**

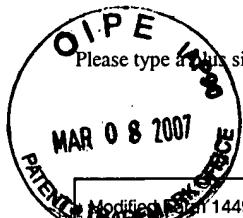
Tel: (617) 542-6000

Fax: (617) 542-2241

Fax: (617) 542-2241

Date: March 8, 2007

3990063v.1



Please type or sign (+) in this box



PTO/SB (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (use as many sheets as necessary)		Application Number	10/728,340
		Filing Date	December 4, 2003
		First Named Inventor	Edgar
		Group Art Unit	1625
		Examiner Name	Celia C. Chang
		Attorney Docket Number	20712-501 CON
		Modif. PMS 1449/PTO	

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	*A16	RE38,257 E	09/23/03	Shoji et al.	546	80	
	*A17	5,250,681	10/05/93	Shoji et al.	540	577	
	*A18	5,393,890	02/28/95	Syoji et al.	540	577	

U.S. PUBLISHED APPLICATION DOCUMENTS							
Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)		Date of Publication	Translation Yes No	

OTHER PRIOR ART – NON-PATENT LITERATURE DOCUMENTS							
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.					
	C12	Hajak et al., "Doxepin in the treatment of primary insomnia: a placebo-controlled, double-blind, polysomnographic study", <i>J. Clin. Psychiatry</i> , 62:453-463 (2001)					

\* By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Patents A16-18 are not submitted.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.